

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
FEBRUARY 6, 2007
8:30 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 8:35 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Susannah M. Byrd, Jose Alexandro Lozano, Steve Ortega, and Beto O'Rourke. Late arrivals: Eddie Holguin at 8:37 a.m., Melina Castro at 8:38 a.m. during Executive Session deliberations, and Presi Ortega, Jr. at 9:42 a.m. The invocation was given by Reverend Lisle Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

.....
MAYOR'S PROCLAMATIONS

1. CHILDREN'S DENTAL HEALTH MONTH
2. NATIONAL HEALTHY MARRIAGE WEEK
3. BOB MARLEY DAY

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Ms. Delhia Reynolds
2. Ms. Lisa Turner
3. Mr. Marvin Rosenbaum

.....
Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 8:35 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the Executive Session items listed on the Agenda.

AYES: Representatives Lilly, Byrd, Lozano, Steve Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representatives Castro, Presi Ortega, Jr., and Holguin

Motion made by Representative Holguin, seconded by Representative Byrd, and unanimously carried to **ADJOURN** the Executive Session at 9:20 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

.....
EX2. Workers' Compensation subrogation interest regarding Andrea Abascal. (551.071).

Motion made by Representative Byrd, seconded by Representative Holguin, and unanimously carried that the item be **POSTPONED** for two weeks.

NOT PRESENT FOR THE VOTE: Representatives Presi Ortega, Jr. and Steve Ortega

.....
EX3. Workers' Compensation subrogation interest regarding Daniel Flores. (551.071).

Motion made by Representative Byrd, seconded by Representative Holguin, and unanimously carried that the item be **POSTPONED** for two weeks.

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr. and Steve Ortega

.....
EX4. Workers' Compensation subrogation interest regarding Joseph Michael Sanchez. (551.071).

Motion made by Representative Byrd, seconded by Representative Holguin, and unanimously carried that the item be **POSTPONED** for two weeks.

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr. and Steve Ortega

.....
EX5. Rafael Gardon vs. City of El Paso; Cause No. 2003-493. (551.071).

Motion made by Representative Byrd, seconded by Representative Holguin, and unanimously carried that the item be **POSTPONED** for one week.

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr. and Steve Ortega

.....
EX6. Discussion and action on City legal matters relating to the operations of the Empowerment Zone. (551.071).

NO ACTION WAS TAKEN on the item.

.....
EX7. USBC Contract. (551.071).

Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried that the City of El Paso **REJECT** the settlement proposal in the case entitled Borderland Network LLC vs. SMG et al. as it relates to the contract with the U.S.B.C.

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

.....
CONSENT AGENDA

Motion made by Representative Lozano, seconded by Representative Byrd, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, Steve Ortega, and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Castro
.....

1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of January 30, 2007, and the Special City Council Meetings of January 25, 2007 (Strategic Planning), January 29, 2007 (Federal Legislative Agenda), and January 29, 2007 (Agenda Review).
.....

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS

NO ACTION WAS TAKEN on the item.
.....

ITEMS TAKEN TOGETHER:

3A.

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), Rodrigo R. Eckenroth ("Assignor") and Eckenroth Investments, Ltd. ("Assignee") for the following described property:

Lot 7, Block 7, El Paso International Airport Tracts, Unit 2, City of El Paso, El Paso County, Texas.

3B.

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Lessor's Approval of Assignment by and between the City of El Paso ("Lessor"), I.G.I.T. LTD. ("Assignor") and Eckenroth Investments, Ltd. ("Assignee") for the following described property:

Lot 8, Block 7, El Paso International Airport Tracts, Unit 2, City of El Paso, El Paso County, Texas.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE THE ITEMS TO REGULAR AGENDA**.

2ND AND FINAL MOTION

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and carried to **APPROVE** the Resolutions.

AYES: Representatives Lilly, Byrd, Lozano, Holguin, Steve Ortega, and O'Rourke

NAYS: None
ABSTAIN: Representative Presi Ortega, Jr.
NOT PRESENT FOR THE VOTE: Representative Castro

.....
3C.

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Employment Agreement between the City of El Paso and Frank Mangan to employ Frank Mangan as a Technology Coordinator for the Economic Development Department at a biweekly rate of \$2,307.62. The term of the contract shall be for the period of February 7, 2007, through February 6, 2008.

Representatives Presi Ortega, Jr. and Steve Ortega commented.

Ms. Joyce Wilson, City Manager, and Ms. Kathryn Dodson, Economic Development, commented.

Mr. Richard Schechter, citizen, commented.

1ST MOTION

*Motion made, seconded, and unanimously carried to **MOVE THE ITEM TO REGULAR AGENDA.**

2ND AND FINAL MOTION

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lozano, and unanimously carried to **APPROVE** the Resolution.

.....
3D.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City expend additional available funding in the amount of \$125,315.00 to remove existing landscape rocks, make minor adjustments to the irrigation system, and install stamped concrete and screenings on the Montwood Median from McCrae Drive to Linum Street for Contract Number 2005-126, Median Landscaping – George Dieter, Montwood and Pebble Hills Blvd.

Mayor Pro Tempore Presi Ortega, Jr. commented.

Ms. Lisa Turner, citizen, commented.

.....
3E.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City expend additional available funding in the amount of \$55,250.54 to relocate proposed electrical conduit and to excavate and remove unforeseen and unsuitable material for proposed street lighting that will be placed on Magnetic Drive medians for Contract Number 2006-002, District IV Landscape and Parkway Improvements.

.....
3F.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, GRAVIS BIBB, owner of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

1301 Murchison, City of El Paso, El Paso County, Texas, more particularly described as PT OF LOT 19 (8,167 SQ FT), Block 1, Richmar #5 Subdivision, Parcel #R439-999-0010-9905,

to be \$293.36, performed by the Solid Waste Management Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total THREE HUNDRED SEVENTEEN AND 36/100 DOLLARS (\$317.36). The City Council finds that the work was completed on the 14th day of July, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED SEVENTEEN AND 36/100 DOLLARS (\$317.36) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, VERONICA RODRIGUEZ, owner of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

4809 Maureen Circle, City of El Paso, El Paso County, Texas, more particularly described as Lot 41 (5684 SQ FT), Block 25, Castner Heights #4 Subdivision, Parcel #C231-999-0250-4100,

to be \$255.47, performed by the Solid Waste Management Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total TWO HUNDRED SEVENTY NINE AND 47/100 DOLLARS (\$279.47). The City Council finds that the work was completed on the 18th day of July, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount TWO HUNDRED SEVENTY NINE AND 47/100 DOLLARS (\$279.47) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, JOHN H. TRIEN, BILLIE H. TILLER, owner of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

PT OF 9 BEG 604.32' SWLY OF NELY COR (270.88' ON ST – IRREG ON SWLY & NWLY – 731.84' ON NELY), Block 50, Milagro Hills #6 Subdivision, City of El Paso, El Paso County, Texas, Parcel #M425-999-0500-8950,

to be \$7,396.72, performed by the Solid Waste Management Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total SEVEN THOUSAND FOUR HUNDRED TWENTY AND 72/100 DOLLARS (\$7,420.72). The City Council finds that the

work was completed on the 18th, 19th, 20th, 21st, 24th days of July, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount SEVEN THOUSAND FOUR HUNDRED TWENTY AND 72/100 DOLLARS (\$7,420.72) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, VICTOR TRUJILLO, TRUJILLO ENTERPRISES LTD, owner of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

TR 25-K (1.191 ACRES), Block 81, TSP 1 SEC 38 T & P Survey, City of El Paso, El Paso County, Texas, Parcel #X581-999-1380-2583,

to be \$725.28, performed by the Solid Waste Management Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total SEVEN HUNDRED FORTY NINE AND 28/100 DOLLARS (\$749.28). The City Council finds that the work was completed on the 18th day of July, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount SEVEN HUNDRED FORTY NINE AND 28/100 DOLLARS (\$749.28) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, ZARAGOZA DEVELOPMENT LTD, owner of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

1701 Saint Stephens, City of El Paso, El Paso County, Texas, more particularly described as Lot 26 (6029.83 SQ FT), Block 9, Assisi Estates #2 Subdivision, Parcel #A794-999-0090-2600,

to be \$407.02, performed by the Solid Waste Management Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total FOUR HUNDRED THIRTY ONE AND 02/100 DOLLARS (\$431.02). The City Council finds that the work was completed on the 11th day of July, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount FOUR HUNDRED THIRTY ONE AND 02/100 DOLLARS (\$431.02) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, SEAN TAYLOR, owner of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

Lot 1, Block 367, Vista Del Sol #80 Subdivision, City of El Paso, El Paso County, Texas Parcel #V893-999-3670-0100,

to be \$877.91, performed by the Solid Waste Management Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total NINE HUNDRED ONE AND 91/100 DOLLARS (\$901.91). The City Council finds that the work was completed on the 14th, and 17th day of July, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount NINE HUNDRED ONE AND 91/100 DOLLARS (\$901.91) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

*** R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, in accordance with Section 9.04.380 of the El Paso Municipal Code, entitled Abatement, UBALDO TORRES, owner of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso Municipal Code; and the owner failed to comply with due notices. In accordance with El Paso Municipal Code 9.04.380 the Department of Solid Waste Management proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Department of Solid Waste Management has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

8407 Alameda, City of El Paso, El Paso County, Texas, more particularly described as TR 13-C (0.413 ACRE), Block 32, Ysleta Subdivision, Parcel #Y805-999-032B-1355,

to be \$370.22, performed by the Solid Waste Management Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total THREE HUNDRED NINETY FOUR AND 22/100 DOLLARS (\$394.22). The City Council finds that the work was completed on the 9th and 17th day of August, 2006, and approves the costs described herein.

2. The City Council, in accordance with Section 9.04.380 of the El Paso Municipal Code, declares the above total amount THREE HUNDRED NINETY FOUR AND 22/100 DOLLARS (\$394.22) to be a lien on the above described property, said amount being due and payable within ten (10) days from the date of City Council approval, and thereafter bearing ten percent (10%) interest per annum.

3. The City Clerk is directed to give notice of the Lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

4. REINSTATEMENT

*Motion made, seconded, and unanimously carried to **APPROVE** the request for the following name to be placed on the Reinstatement List in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

Potts, Michael K. – Material Specialist

.....
5. SPECIAL APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Marie A. Taylor as Assistant City Attorney effective February 19, 2007.

.....
6. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Jose Contreras to the Committee on Border Relations by Representative Jose Alexandro Lozano, District 3.

.....
7A. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Rebecca E. Baca to the City Accessibility Advisory Committee by Representative Beto O'Rourke, District 8.

.....
7B. BOARD APPOINTMENT

*Motion made, seconded, and unanimously carried to **APPOINT** Humberto Soto to the Zoning Board of Adjustment by Representative Jose Alexandro Lozano, District 3.

.....
8. APPLICATIONS FOR TAX REFUND

*Motion made, seconded, and unanimously carried that the following tax refunds be **APPROVED**:

- A. GECU of El Paso in the amount of \$2,924.75 overpayment of 2006 taxes.
(PID #A461-999-0010-0200).
- B. Henry Gonzalez in the amount of \$6,141.17 overpayment of 2006 taxes.
(PID #A788-000-0010-0410).
- C. Chicago Title Insurance Co., in the amount of \$4,711.39 overpayment of 2006 taxes. (PID #B220-999-0010-3000).
- D. Stewart Title of El Paso in the amount of \$2,876.24 overpayment of 2006 taxes.
(PID #C340-999-0460-4700).
- E. Ignacio J. Holguin in the amount of \$3,122.17 overpayment of 2006 taxes.
(PID #C518-999-0790-0100).
- F. GECU of El Paso in the amount of \$4,108.25 overpayment of 2006 taxes.
(PID #C518-999-1330-6900)
- G. Stewart Title of el Paso in the amount of \$2,525.81 overpayment of 2006 taxes.
(PID #C840-999-0060-0500)

- H. LandAmerica Lawyers Title of El Paso in the amount of \$131,793.28 overpayment of 2006 taxes. (PID #E131-999-0170-2000)
- I. Ruben & Olga B. Cruz in the amount of \$2,707.80 overpayment of 2006 taxes. (PID #F763-999-0060-0100)
- J. Stewart Title of El Paso in the amount of \$2,784.37 overpayment of 2006 taxes. (PID #H012-999-0020-5300)
- K. LandAmerica Lawyers Title of El Paso in the amount of \$6,762.16 overpayment of 2006 taxes. (PID #H454-999-0030-2100)
- L. Lone Star Title Company in the amount of \$6,671.77 overpayment of 2006 taxes. (PID #L721-999-0020-0800)
- M. Sierra Title Company in the amount of \$2,830.46 overpayment of 2006 taxes. (PID #P481-999-0120-2700)
- N. Stewart Title of El Paso in the amount of \$3,004.39 overpayment of 2006 taxes. (PID #P863-999-0260-0500)
- O. Stewart Title of El Paso in the amount of \$3,575.57 overpayment of 2006 taxes. (PID #Q550-999-0130-0100)
- P. Brian L. Grass in the amount of \$5,108.69 overpayment of 2006 taxes. (PID #R460-999-0130-0100)
- Q. LandAmerica Lawyers Title of El Paso in the amount of \$2,935.46 overpayment of 2006 taxes. (PID #R576-999-0130-1100)
- R. Richard Lucker in the amount of \$3,163.75 overpayment of 2006 taxes. (PID #S979-999-0160-2500)
- S. Stewart Title of El Paso in the amount of \$2,832.64 overpayment of 2006 taxes. (PID #T287-999-0910-0300)
- T. Stewart Title of El Paso in the amount of \$2,914.02 overpayment of 2006 taxes. (PID #V893-999-1480-0500)
- U. Mills Escrow Co. in the amount of \$5,514.39 overpayment of 2006 taxes. (PID #V893-999-5750-1800)
- V. Lone Star Title Company in the amount of \$2,658.60 overpayment of 2006 taxes. (PID #V897-999-0040-3100)
- W. Sarah R. Weiner in the amount of \$2,690.50 overpayment of 2006 taxes. (PID #X155-999-000B-2400)

.....

9A. FINANCIAL SERVICES

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for the Financial Services Department to exercise the City's option to extend Contracts 2005-078-C1 and 2005-078-C2 (Irrigation Equipment & Supplies) which were awarded on March 15, 2005, to Ewing Irrigation

and B&C Turf Equipment Company, Inc., respectively, for a two-year period from March 15, 2007, to March 14, 2009.

Department: Parks & Recreation Department
Option No.: One of One
Vendor 1: Ewing Irrigation - \$100,000.00 (estimated annually)
Vendor 2: B&C Turf Equipment Company, Inc. - \$100,000.00 (estimated annually)
Total Estimated Award: \$400,000.00 (total for two-year extension)
Account No: 51010262 – 503202 - 01101
Funding Source: Parks & Recreation General Operating Funds

.....
9B. FINANCIAL SERVICES

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for the Financial Services Department to exercise the City's option to extend Contract 2005-115, (Armed Security Guard for City Municipal Building), which was awarded on April 12, 2005, to Ruiz Protective Service, Inc., for two additional years from May 1, 2007, through April 30, 2009.

Department: General Services, Maintenance Division
Option No.: Two of Two
Total Estimated Award: \$328,000.00
Account No: 31010326 - 01101 - 502212
Funding Source: Operating Account, General Services, Facilities Contract

.....
10. PURCHASING REQUEST TO ISSUE PURCHASE ORDER, ETC.

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for the Financial Services Department to issue a Purchase Order to Wagner Equipment Company for the rental of a landfill compactor that replaced the Clint Landfill compactor that was destroyed by fire on October 26, 2006. Total amount is \$77,000.00.

This amount is to cover rental service from December 1, 2006, through February 28, 2007.

Department: Environmental Services
Amount: \$77,000.00
Account No.: 502408 – 40403 - 34010296
Funding Source: SWM Disposal Operations/Vehicle leases
Reference No.: 2007-109

This procurement is exempt from the Texas bid statute under Section 252.022(a) (2) and (3) because it is necessary to preserve or protect the public health or safety of the City's residents and it is necessary because of unforeseen damage to public machinery or equipment.

.....
11. BEST VALUE PROCUREMENT

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2007-045, EPIA Baggage Claim Renovation & Addition, to F. T. James Construction, Inc. in the amount of \$389,623.00. F. T. James Construction, Inc. has provided the best value proposal. Project consists of adding a screen wall to the North side of American Airlines and Southwest Airlines Baggage Make-Up Area.

Department: Aviation
Award to: F. T. James Construction, Inc.
El Paso, Texas
Base Bid: \$389,623.00

Account No.: 62620028 - PAP0024 – 41067 - 508016
Funding Source: Airport Revenue

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

Work under this unit price contract is only an estimated value and will be ordered, performed, invoiced, and paid by measured quantity. The actual cost of this contract will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer or such person designated by the City Manager may, without further authorization from City Council, approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, which are in accordance with applicable law and which do not make changes to the unit price and which are within the appropriate budget.

This is a unit-price contract.

The Departments of Financial Services, Engineering, and Airport recommend award to the bidder offering the best value bid.

.....
12. DEVELOPMENT AND INFRASTRUCTURE SERVICES

*Motion made, seconded, and unanimously carried to **APPROVE** Council Ratification of purchases for the acquisition of equipment and services necessary for the public health and safety during Storm 2006. This equipment and services were procured by the Solid Waste Department in response to needs arising from Storm 2006. Such purchases were entered into by the City Manager under the authority granted by Council in the September 19, 2006, Resolution.

.....
13A. – 13C., INTRODUCTIONS
ADDITION 1,
& 13E – 13J.

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lozano, and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

- A.** An Ordinance authorizing the City Manager to sign a Special Warranty Deed conveying to various property owners land totaling approximately 0.557 acres consisting of Tracts 5B & 5C, Block 18, Upper Valley Surveys, El Paso County, Texas, in far west El Paso located near Campos and Bosque Roads.
- B.** An Ordinance authorizing the City Manager to sign a Special Warranty Deed conveying to Newman Ranch Partners, L.P., a strip of land twenty-four feet wide and three-thousand two-hundred feet long and being approximately 1.766 acres of Tract 1A, Section 21, Block 80, Township 1, T&P Railway Company Survey, City of El Paso, El Paso County, Texas, located in northeast El Paso near Dyer Street and Ashley Road.
- C.** An Ordinance amending Title 9 (Health and Safety), Chapter 9.04 (Solid Waste Management) in its entirety; to add Article X, Construction Debris; and to revise the requisite fees; the penalty being as provided in Section 9.04.390 of the El Paso City Code.

ADDITION 1

An Ordinance granting a non-exclusive franchise to Dos Naciones, S.A. de C.V. to operate a passenger bus service.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 20, 2007, FOR ITEMS A – C & ADDITION 1

- E.** An Ordinance changing the zoning of Tracts 11 and 12, Block 7, Upper Valley Surveys, City of El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to P-R 1 (Planned Residential/1) and imposing a condition. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: East of Upper Valley Road and South of Gomez Road. Applicant: I.H.H. Investments, LLC. ZON06-00134
- F.** An Ordinance changing the zoning of the following real property described as: Parcel 1: all of Blocks 60 and 65 and portions of Third Avenue and Fourth Avenue, Magoffin Addition, City of El Paso, El Paso County, Texas, from SRR (Special Residential Revitalization) to S-D (Special Development); Parcel 2: all of Block 66 and a portion of Third Avenue, Magoffin Avenue, City of El Paso, El Paso County, Texas, from SRR (Special Residential Revitalization) to S-D (Special Development); Parcel 3: a portion of Block 55 and all of Blocks 58 and 67 and portions of Third Avenue and Fourth Avenue, Magoffin Addition, City of El Paso, El Paso County Texas, from SRR (Special Residential Revitalization) to S-D (Special Development); and, Parcel 4: a portion of Block 56 and all of Blocks 57 and 68, Magoffin Addition, and a portion of Block 109 and all of Blocks 110 and 142, Campbell Addition, and portions of Third Avenue and Fourth Avenue, City of El Paso, El Paso County Texas, from SRR (Special Residential Revitalization) to S-D (Special Development). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 508 S. Virginia Street. Applicant: Housing Authority of the City of El Paso. ZON06-00132
- G.** An Ordinance changing the zoning of the following real property described as: Parcel 1: all of Blocks 60 and 65 and portions of Third Avenue and Fourth Avenue, Magoffin Addition, City of El Paso, El Paso County, Texas, from SRR (Special Residential Revitalization) to S-D (Special Development); Parcel 2: all of Block 66 and a portion of Third Avenue, Magoffin Avenue, City of El Paso, El Paso County, Texas, from SRR (Special Residential Revitalization) to S-D (Special Development); Parcel 3: a portion of Block 55 and all of Blocks 58 and 67 and portions of Third Avenue and Fourth Avenue, Magoffin Addition, City of El Paso, El Paso County Texas, from SRR (Special Residential Revitalization) to S-D (Special Development); and, Parcel 4: a portion of Block 56 and all of Blocks 57 and 68, Magoffin Addition, and a portion of Block 109 and all of Blocks 110 and 142, Campbell Addition, and portions of Third Avenue and Fourth Avenue, City of El Paso, El Paso County Texas, from SRR (Special Residential Revitalization) to S-D (Special Development). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 508 S. Virginia Street. Applicant: Housing Authority of the City of El Paso. ZON06-00132
- H.** An Ordinance granting Special Permit No. ZON06-00133 to allow for a parking reduction on the property described as Parcel 1: all of Blocks 60 and 65 and portions of Third Avenue and Fourth Avenue (vacated right-of-way), Magoffin Addition, City of El Paso, El Paso County, Texas; Parcel 2: all of Block 66 and a portion of Third Avenue (vacated right-of-way), Magoffin Addition, City of El Paso, El Paso County, Texas; Parcel 3: a portion of Block 55 and all of Blocks 58 and 67 and portions of Third Avenue and Fourth Avenue (vacated right-of-way), Magoffin Addition, City of El Paso, El Paso County, Texas; and Parcel 4: a portion of Block 56 and all of Block 57, Magoffin Addition, and a portion of Block 109 and all of Block 110, Campbell Addition, and portions of Third Avenue and Fourth Avenue (vacated right-of-way), City of El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of The El Paso City Code. The penalty being as provided in Chapter 20.68 of The El Paso City Code. Subject Property: 508 S. Virginia Street. Applicant: Housing Authority of the City of El Paso. ZON06-00133
- I.** An Ordinance releasing conditions placed on property by Ordinance No. 11388 which changed the zoning of a portion of Lot 1, Block 6, Americas Ten Subdivision, City of El Paso, El Paso County, Texas, and which imposed certain conditions and releasing other conditions placed on the property by contract.

The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: East of Southview Drive, North of Mercantile Avenue. Applicant: State of Texas. ZON06-00147

- J.** An Ordinance changing the zoning of Lots 1 – 3, Block 12, East El Paso Subdivision, City of El Paso, El Paso County, Texas, from A-3 (Apartment) to A-O (Apartment/Office). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 3301 Pera Avenue. Applicant: City of El Paso. ZON06-00150
- K.** An Ordinance granting Special Permit No. ZON06-00151 to allow for a parking reduction on the property described as Lots 1-3, Block 12, East El Paso Subdivision, City of El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 3301 Pera Avenue. Applicant: City of El Paso. ZON06-00151

PUBLIC HEARING WILL BE HELD ON FEBRUARY 27, 2007, FOR ITEMS E – J

NOT PRESENT FOR THE VOTE: Representative Castro

13D. INTRODUCTION

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Steve Ortega, and carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

- D.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.21. (Dangerous Intersection Monitoring System and Enforcement), of the El Paso City Code to clarify the civil penalty for creating dangerous intersections; adding an affirmative defense for turning after stopping; and removing the language concerning mandatory reconsideration of the Ordinance.

PUBLIC HEARING WILL BE HELD ON FEBRUARY 20, 2007, FOR ITEM 13D

Representatives Holguin, Byrd, Presi Ortega, Jr., Steve Ortega, and Lozano commented.

Ms. Joyce Wilson, City Manager, commented.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega, and O'Rourke

NAYS: Representatives Castro and Holguin

14.

ORDINANCE 16552

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF EL PASO, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2007;" AND RESOLVE MATTERS WHICH ARE NECESSARY TO EFFECTUATE SAID ISSUANCE.**

Mr. Steven Adams, Senior Vice President of First Southwest Company, presented a PowerPoint presentation (on file in the City Clerk's office).

Representatives Steve Ortega, Presi Ortega, Jr., Lozano, Holguin, O'Rourke, Castro, and Byrd commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager

2. Mr. William Studer, Deputy City Manager of Financial and Administrative Services
3. Ms. Carmen Arrieta-Candelaria, Comptroller

Mr. Paul Braden, Bond Counsel, commented.

Mr. Richard Schechter and Ms. Lisa Turner, citizens, commented.

1ST MOTION

Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** and allow Ms. Turner to address the Council after the sign-up period.

NOT PRESENT FOR THE VOTE: Representative Castro

2ND AND FINAL MOTION

Motion duly made by Representative Lilly, seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED, AS AMENDED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega, and O'Rourke

NAYS: Representatives Lozano, Castro, and Holguin

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....

15.

ORDINANCE 16553

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON06-00141 TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS LOTS 14 - 20, BLOCK 82, CAMPBELL ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.64.175 OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO CITY CODE.**

Motion duly made by Representative Lozano, seconded by Representative Steve Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., Holguin, and Steve Ortega

NAYS: None

ABSTAIN: Representative O'Rourke (affidavit to recuse on file in City Clerk's Office)

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....

16. PUBLIC HEARING – FINANCIAL SERVICES

Motion made by Representative O'Rourke, seconded by Representative Byrd, and unanimously carried to **POSTPONE** for one week an Ordinance authorizing the City of El Paso to sell a portion of Lots 10, 11, 16, 17, 34, and 35, Block 12, Sunset Heights, Second Revised Map, El Paso, El Paso County, Texas, to Don Luciano.

NOT PRESENT FOR THE VOTE: Representative Castro

.....

17.

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor and City Council of the City of El Paso finds in accordance with Section 6.16.080 of the El Paso Municipal Code that Oliver Olivar d/b/a City Cab Company is fit, willing and able to provide taxi service in the City of El Paso and the Chief of Police is authorized to issue an operating permit to City Cab Company to operate twenty (20) taxicabs pursuant to Title 6 of the Municipal Code.

Motion made by Representative Lozano, seconded by Representative Steve Ortega, and unanimously carried to **APPROVE** the Resolution.

.....
18A. MAYOR AND COUNCIL

Motion made by Representative Lozano, seconded by Representative Holguin, and carried to **DELETE** the item regarding discussion and action on the future of elephants at the El Paso Zoo.

Mayor Cook and Representatives Lozano, O'Rourke, Steve Ortega, and Presi Ortega, Jr. commented.

Mr. Steve Marshall, Zoo Director, commented.

Motion made by Representative Lozano, seconded by Representative Holguin, and carried to **DELETE** the item.

AYES: Representatives Lilly, Byrd, Lozano, Castro, Presi Ortega, Jr., and Holguin

NAYS: Representatives Steve Ortega and O'Rourke
.....

18B. MAYOR AND COUNCIL

Discussion and action regarding a recommendation to the City Council from the El Paso Lyceum that the 2007 City of El Paso Federal Legislative Agenda include the exploration process with General Services Administration and all the appropriate federal agencies on the project conceptualization of constructing:

- a. A low-risk port-of-entry bridge between Bridge of the Americas (BOTA) and Zaragoza port-of-entry in response to General Services Administration's initiative to expedite the building of international bridges and inspection stations.
- b. Other international bridge crossings within the El Paso area.

Mayor Cook and Representatives Lozano, Byrd, Steve Ortega, Holguin Lilly, Castro, and O'Rourke commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Kathryn Dodson, Economic Development Department Director
3. Mr. Daryl Cole, Streets Department Director

Ms. Veronica Callahan and Ms. Cecilia Levine, Mayor's Lyceum, commented.

1ST MOTION

Motion made by Representative Lozano, seconded by Representative Lilly, and carried to **APPROVE ITEM A.**

AYES: Representatives Lilly, Byrd, Lozano, Holguin, Steve Ortega, and O'Rourke

NAYS: Representative Castro

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

2ND MOTION

Motion made by Representative Holguin, seconded by Representative Castro, to **POSTPONE** the item for two weeks. The motion **FAILED**.

AYES: Representatives Castro and Holguin

NAYS: Representatives Lilly, Byrd, Lozano, Steve Ortega, and O'Rourke

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

3RD AND FINAL MOTION

Motion made by Representative Lozano, seconded by Representative Lilly, and carried to **APPROVE ITEM B.**

AYES: Representatives Lilly, Byrd, Lozano, Steve Ortega, and O'Rourke

NAYS: Representatives Castro and Holguin

NOT PRESENT FOR THE VOTE: Representative Presi Ortega, Jr.

18C. MAYOR AND COUNCIL

Report on final recommendations of Charter Review Committee/Rules LRC. Discussion and action to bring forward formal resolution to hold May charter election.

Mayor Cook and Representatives Steve Ortega, O'Rourke, Lozano, Holguin, Presi Ortega, Jr., Castro, Lilly, and Byrd commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Elaine Hengen, Assistant City Attorney, gave legal advice.
3. Mr. Charlie McNabb, City Attorney, gave legal advice.

The following members of the public commented:

1. Mr. Richard Schecter, citizen
2. Ms. Lisa Turner, citizen
3. Mr. H.W. Sparks, Chair of the Neighborhood Coalition
4. Mr. Elijah Graham, Civil Service Commission
5. Ms. Terry Ramirez, Vice President of City Employee Association
6. Mr. Gerald Mangram, Chair of the Ethics Commission
7. Mr. Carl Robinson, Chair of the Building Standards Commission
8. Mr. Jerry Rosenbaum, citizen
9. Mr. Ali Boureslan, Civil Service Commission
10. Mr. Rafael Martinez, Citizen on Ad Hoc Charter Committee
11. Ms. Sandee Jaeger, citizen
12. Ms. Lilia Fierro, City employee

1ST MOTION

Motion made by Representative Holguin, seconded by Representative Steve Ortega, and carried to **SUSPEND THE RULES OF ORDER** to allow public comment as discussion unfolds on the proposed Charter amendments and to vote on each amendment after the public comment is received.

AYES: Representatives Byrd, Lozano, Presi Ortega, Jr., Holguin, and Steve Ortega

NAYS: Representatives Lilly and Castro

NOT PRESENT FOR THE VOTE: Representative O'Rourke

2ND MOTION

Motion made by Representative Byrd, seconded by Representative Lilly, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow any public comment as recognized by the Mayor.

3RD MOTION

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Lozano, to amend Section 3.2 to set salaries for City Council Representatives at \$28,500, the Mayor's salary at \$38,500, and to allow Mayor and Council to participate in the pension plan. The motion **FAILED**.

AYES: Representatives Lozano, Presi Ortega, Jr., and Steve Ortega

NAYS: Representatives Lilly, Byrd, Castro, Holguin, and O'Rourke

4TH MOTION

Motion made by Representative O'Rourke, seconded by Representative Byrd, and carried to **ACCEPT** the salaries as recommended and presented effective June 30, 2009, and to allow the Mayor and Council to opt into the pension plan.

AYES: Representatives Byrd, Lozano, Presi Ortega, Jr., Steve Ortega, and O'Rourke

NAYS: Representatives Lilly, Castro, and Holguin

5TH MOTION

Motion made by Representative O'Rourke, seconded by Representative Lozano, and carried to **ACCEPT** the remainder of the proposed Charter changes, Sections 1 through 3, except 21.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Holguin, and O'Rourke

NAYS: Representative Castro

NOT PRESENT FOR THE VOTE: Representative Steve Ortega

6TH MOTION

Motion made by Mayor Pro Tempore Presi Ortega, Jr., seconded by Representative Byrd, and carried to **ACCEPT** Section 2.1C as presented.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega, and O'Rourke

NAYS: Representative Holguin

NOT PRESENT FOR THE VOTE: Representative Castro

7TH MOTION

Motion made by Representative Holguin, seconded by Representative Castro, to **POSTPONE** the proposed Charter amendments in Section 6 until after the Public Hearing. The motion **FAILED**.

AYES: Representatives Lozano, Castro, and Holguin

NAYS: Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega, and O'Rourke

8TH MOTION

Motion made by Representative Byrd, seconded by Representative O'Rourke, and carried to **ACCEPT** the proposed Charter amendments under Section 6.

AYES: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega, and O'Rourke

NAYS: Representatives Castro and Holguin

9TH MOTION

Motion made by Representative Byrd, seconded by Representative Lilly, and carried to **ACCEPT** proposed Charter changes under Articles 4 and 5.

10TH MOTION

Motion made by Representative Byrd, seconded by Representative Holguin, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. Jerry Rosenbaum an additional four minutes to address the Council.

11TH MOTION

Motion made by Representative Holguin, seconded by Representative Castro, to **ADD** additional proposed Charter amendments under Section 7 to limit the use of eminent domain that is not for a public purpose and requiring voter approval. The motion **FAILED**.

AYES: Representatives Lozano, Castro, and Holguin

NAYS: Representatives Lilly, Byrd, Presi Ortega, Jr., Steve Ortega, and O'Rourke

12TH AND FINAL MOTION

Motion made by Representative Holguin, seconded by Representative Castro, to **ADD** an additional Charter amendment that if the Council votes to issue more than \$50 million in debt, the item must go out for voter approval. The motion **FAILED**.

AYES: Representatives Castro and Holguin

NAYS: Representatives Lilly, Byrd, Lozano, Presi Ortega, Jr., Steve Ortega, and O'Rourke

.....
19. DEVELOPMENT AND INFRASTRUCTURE SERVICES

Motion made by Representative Lilly, seconded by Representative Lozano, and unanimously carried to **APPROVE** Council Ratification of the following contracts for the acquisition of properties affected by Storm 2006 and for bridge assistance on purchase of replacement properties in the area referred to as the Mowad Subdivision. Such contracts were entered into by the City Manager under the authority granted by Council in the September 19, 2006 Resolution.

1. 151 Mowad St., Gregorio & Petra Mata, \$101,000.00 Property Acquisition, \$37,700.00 Bridge/Replacement Property
2. 154 A. Mowad St., Irma & David Ibarra, \$48,000.00 Property Acquisition, \$4,000.00 Bridge/Replacement Property
3. 187 Aguirre, Manuel & Armida Prieto, \$61,000 Property Acquisition, \$40,170.00 Bridge Replacement
4. 141 Mowad St., Jose A. & Lucila Aguilar, \$24,000.00 Property Acquisition
5. 142 Mowad St., Rev. David Cisneros, La Hermosa Church, \$160,000.00 Property Acquisition
6. 196 B. Mowad St., Diana Garcia, \$48,000.00 Property Acquisition
7. 169 B. Mowad St., Ramon & Margarita Salas, \$96,000.00 Property Acquisition
8. 199 B. Mowad St., Ernesto & M. Arredondo, \$ 88,000.00 Property Acquisition
9. 199 A. Mowad St., Maria G. Ramirez, \$102,000.00 Property Acquisition
10. 183 Mowad St., Maria T. Barraza, \$90,000.00 Property Acquisition
11. 170 Mowad St., Eddie & Aurora Gonzalez, \$103,000.00 Property Acquisition
12. 165 A. Mowad St., Marcos Hernandez, \$94,000.00 Property Acquisition
13. 167 B. Mowad St., David & Herminia Hernandez, \$93,000.00 Property Acquisition
14. 137 A. Mowad St., Victor Cervantes, \$38,670.00 Bridge Replacement
15. 137 B. Mowad St., Marcelo & Maria F. Cisneros, \$37,170.00 Bridge Replacement
16. 180 Mowad St., Fernando & Martha Ramirez, \$59,270.00 Bridge Replacement
17. 164 Mowad St., Augustina H. & Marcelino Salinas, \$7,226.56 Bridge Replacement
18. 154 B. Mowad St., Ricardo & Maria Lopez, \$24,190.00 Bridge Replacement

Representatives Castro and Lozano commented.

Ms. Joyce Wilson, City Manager, and Mr. Alan Shubert, Development Services, commented.

.....
20. CITY MANAGER

City Manager's report of current events and issues:

Discussion and action on issues related to Storm 2006.

NO ACTION WAS TAKEN on the item.

.....
Motion made by Representative Steve Ortega, seconded by Representative Byrd, and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 2:48 p.m.

NOT PRESENT FOR THE VOTE: Representatives Presi Ortega, Jr. and O'Rourke

Motion made by Representative Steve Ortega, seconded by Representative Lilly, and unanimously carried to **ADJOURN** the Executive Session at 2:59 p.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

EX1. A 0.341 acre parcel of land, more or less, being a portion of Elijah Bennett Survey No. 11, Tract 34-A-1, in the City of El Paso, El Paso County, Texas. (551.071) and (551.072).

Motion made by Representative Byrd, seconded by Representative Steve Ortega, and carried that the City Manager or her authorized designee be **AUTHORIZED** to sign a contract of sale, including a release of all claims, and necessary closing documents to acquire a parcel of land containing 0.341 acres, more or less, out of Elijah Bennett Survey No. 11, Tract 34-A-1, in the City of El Paso, El Paso County, Texas, and more particularly described on Exhibit "A" attached hereto for all purposes, from Donald C. Luciano in the amount of \$360,000, subject to a \$105,000 contribution toward the acquisition from Texas Tech University Health Sciences Center.

AYES: Representatives Lilly, Byrd, Lozano, and Steve Ortega

NAYS: Representative Castro

NOT PRESENT FOR THE VOTE: Representatives Presi Ortega, Jr., Holguin, and O'Rourke

.....

Motion made by Representative Steve Ortega, seconded by Representative Lilly, and unanimously carried to **ADJOURN** this meeting at 3:01 p.m.

NOT PRESENT FOR THE VOTE: Representatives Presi Ortega, Jr., Holguin, and O'Rourke

.....

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk